

MINORITY VIEWS

We can not join in the majority views and findings. While we concur in the conclusions of the majority that section 243 of the Revised Statutes, upon which the proceedings herein were based, provides for action in the nature of an ouster proceeding, it is our view that the Hon. Andrew W. Mellon, the former Secretary of the Treasury, having removed himself from that office, no useful purpose would be served by continuing the investigation of the charges filed by the Hon. Wright Patman. We desire to stress that the action of the undersigned is based on that reason alone, particularly when the prohibition contained in said section 243 is not applicable to the office now held by Mr. Mellon.

FIORIELLO H. LA GUARDIA.
GORDON BROWNING.
M. C. TARVER.
FRANCIS B. CONDON.

MR. SUMNERS of Texas: Mr. Speaker I think the resolution is fairly explanatory of the views held by the different members of the committee. No useful purpose could be served by the consumption of the usual 40 minutes, so I move the previous question.

The previous question was ordered.

THE SPEAKER: The question is on agreeing to the resolution.

The resolution was agreed to.

§ 7.10 On one occasion, the Committee on the Judiciary reported adversely on impeachment charges, finding the evidence did not warrant impeachment, but the House rejected the report and voted for impeachment.

On Feb. 24, 1933, the House considered House Resolution 387

(H. Rept. No. 2065) from the Committee on the Judiciary, which included the finding that charges against Judge Harold Louderback did not warrant impeachment. Under a previous unanimous-consent agreement, an amendment in the nature of a substitute, recommended by the minority of the committee and impeaching the accused, was offered. The previous question was ordered on the amendment and it was adopted by the House.⁽²⁰⁾

§ 8. Consideration and Debate in the House

Reports on impeachment are privileged for immediate consideration in the House.⁽¹⁾ Unless the House otherwise provides by special order, propositions of impeachment are considered under

20. 76 CONG. REC. 4913-25, 72d Cong. 2d Sess. For analyses of the Louderback proceedings in the House, see §§ 17.1-17.4, *infra*, and 6 Cannon's Precedents § 514.

1. See § 8.2, *infra*, for the privilege of impeachment reports and § 7.6, *supra*, for their referral to the House Calendar. Impeachment reports have usually been printed in full in the *Congressional Record* and have laid over for a period of days before consideration by the House, so that Members could acquaint themselves with the contents of the reports.

the general rules of the House applicable to other simple House resolutions. Since 1912, the House has considered together the resolution and articles of impeachment, although prior practice was to adopt a resolution of impeachment and later to consider separate articles of impeachment.⁽²⁾

The House has typically considered the resolution and articles under unanimous-consent agreements, providing for a certain number of hours of debate, equally divided and controlled by the proponents and opposition, at the conclusion of which the previous question was considered as ordered. In one case, an amendment was specifically made in order under the unanimous-consent agreement governing consideration of the resolution.⁽³⁾

The motion for the previous question and the motion to recommit are applicable to a resolution and articles of impeachment being considered in the House, and a separate vote may be demanded on substantive propositions contained in the resolution.⁽⁴⁾

Cross References

Amendments generally, see Ch. 27, *infra*.
Consideration in the House of amendments to articles, see § 10, *infra*.

2. See § 8.1, *infra*.

3. §§ 8.1, 8.4, *infra*.

4. See §§ 8.8–8.10, *infra*.

Consideration of resolutions electing managers, granting them powers and funds, and notifying the Senate, see § 9, *infra*.

Consideration and debate in Committee of the Whole generally, see Ch. 19, *infra*.

Consideration and debate in the House generally, see Ch. 29, *infra*.

Division of the question for voting, see Ch. 30, *infra*.

Privileged questions and reports interrupting regular order of business, see Ch. 21, *infra*.

Summary of House consideration of specific impeachment resolutions, see §§ 14–18, *infra*.

Controlling Time for Debate

§ 8.1 Under the later practice, resolutions and articles of impeachment have been considered together in the House pursuant to unanimous-consent agreements fixing the time for and control of debate.

On Mar. 2, 1936, the House considered House Resolution 422, impeaching Judge Halsted Ritter, pursuant to a unanimous-consent agreement propounded by Chairman Hatton W. Sumners, of Texas, of the Committee on the Judiciary, who had called up the report:⁽⁵⁾

5. 80 CONG. REC. 3066, 3069, 74th Cong. 2d Sess.

THE SPEAKER:⁽⁶⁾ The gentleman from Texas asks unanimous consent that debate on this resolution be continued for 4½ hours, 2½ hours to be controlled by himself and 2 hours by the gentleman from New York [Mr. Hancock]; and at the expiration of the time the previous question shall be considered as ordered. Is there objection?

There was no objection.

On Feb. 24, 1933, House Resolution 387, recommending against the impeachment of Judge Harold Louderback, was considered pursuant to a unanimous-consent agreement, propounded by Mr. Thomas D. McKeown, of Oklahoma, who called up the resolution, to allow a substitute amendment recommending impeachment to be offered:⁽⁷⁾

MR. MCKEOWN: Mr. Speaker, I ask unanimous consent that the time for debate be limited to two hours to be controlled by myself, that during that time the gentleman from New York [Mr. La Guardia] be permitted to offer a substitute for the resolution and at the conclusion of the time for debate the previous question be considered as ordered.

THE SPEAKER:⁽⁸⁾ Then the Chair submits this: The gentleman from Oklahoma asks unanimous consent that debate be limited to two hours, to be controlled by the gentleman from

Oklahoma, that at the end of that time the previous question shall be considered as ordered, with the privilege, however, of a substitute resolution being offered, to be included in the previous question. Is there objection?

MR. [WILLIAM B.] BANKHEAD [of Alabama]: Mr. Speaker, reserving the right to object for the purpose of getting the parliamentary situation clarified before we get to the merits, is there any question in the mind of the Speaker, if it is fair to submit such a suggestion, as to whether or not the substitute providing for absolute impeachment would be in order as a substitute for this report?

THE SPEAKER: That is the understanding of the Chair, that the unanimous-consent agreement is, that the gentleman from New York [Mr. LaGuardia] may offer a substitute, the previous question to be considered as ordered on the substitute and the original resolution at the expiration of the two hours. Is there objection?

There was no objection.

On Mar. 30, 1926, the House by unanimous consent agreed to a procedure for the consideration of a resolution impeaching Judge George English; the request was propounded by Chairman George S. Graham, of Pennsylvania, of the Committee on the Judiciary:

THE SPEAKER:⁽⁹⁾ The gentleman from Pennsylvania [Mr. Graham] asks unanimous consent that during today the debate be equally divided between the affirmative and the negative, and that he control one-half of the time and

6. Joseph W. Byrns (Tenn.).

7. 76 CONG. REC. 4914, 72d Cong. 2d Sess.

8. John N. Garner (Tex.).

9. Nicholas Longworth (Ohio).

that the other half be controlled by the gentleman from Alabama [Mr. Bowling].⁽¹⁰⁾

In earlier practice, resolutions and articles were considered separately, the articles being considered in the Committee of the Whole on occasion. For example, the articles of impeachment against Justice Samuel Chase were considered in the Committee of the Whole and were read for amendment, although the resolution to impeach was earlier considered in the House.⁽¹¹⁾ Again, during proceedings against President Andrew Johnson, the House adopted a resolution which provided for consideration and amendment of the articles in the Committee of the Whole under the five-minute rule, at the conclusion of general debate.⁽¹²⁾

The resolution and the articles of impeachment against Judge Charles Swaine (1904, 1905) were considered separately but were both considered in the House.⁽¹³⁾

In the impeachment of Judge Robert Archbald (1912) the House instituted the modern practice of considering the resolution and the

articles of impeachment together in the House, as opposed to the Committee of the Whole.⁽¹⁴⁾

Reports Privileged for Immediate Consideration

§ 8.2 Resolutions of impeachment, resolutions proposing abatement of proceedings, and resolutions incidental to the question of impeachment are privileged for immediate consideration when reported from the committee to which propositions of impeachment have been referred

On Mar. 2, 1936, Chairman Hatton W. Sumners, of Texas, of the Committee on the Judiciary, called up as privileged House Resolution 422, impeaching Judge Halsted Ritter, and the House proceeded to its immediate consideration.⁽¹⁵⁾

On Feb. 24, 1933, Speaker John N. Garner, of Texas, held that a resolution reported from the Committee on the Judiciary, proposing discontinuance of impeachment proceedings, was privileged for immediate consideration:

THE SPEAKER: The Clerk will report the resolution.

The Clerk read the resolution, as follows:

10. 67 CONG. REC. 6585-90, 69th Cong. 1st Sess. New agreements were obtained on each succeeding day during debate on the resolution.

11. 3 Hinds' Precedents §§ 2343, 2344.

12. 3 Hinds' Precedents § 2414.

13. 3 Hinds' Precedents §§ 2472, 2474.

14. 6 Cannon's Precedents §§ 499, 500.

15. 80 CONG. REC. 3066, 74th Cong. 2d Sess.

HOUSE RESOLUTION 387

Resolved, That the evidence submitted on the charges against Hon. Harold Louderback, district judge for the northern district of California, does not warrant the interposition of the constitutional powers of impeachment of the House.

MR. [BERTRAND H.] SNELL [of New York]: Mr. Speaker, when they report back a resolution of that kind, is it a privileged matter?

THE SPEAKER: It is not only a privileged matter but a highly privileged matter.

MR. [LEONIDAS C.] DYER [of Missouri]: Mr. Speaker, this is the first instance to my knowledge, in my service here, where the committee has reported adversely on an impeachment charge.

THE SPEAKER: The gentleman's memory should be refreshed. The Mellon case was reported back from the committee, recommending that impeachment proceedings be discontinued.

MR. SNELL: Was that taken up on the floor as a privileged matter?

THE SPEAKER: It was.⁽¹⁶⁾

On Mar. 24, 1939, Mr. Sam Hobbs, of Alabama, called up a report of the Committee on the Judiciary, which report was adverse to House Resolution 67, on the impeachment of Secretary of Labor Frances Perkins. The report was called up as privileged and the

16. 76 CONG. REC. 4913, 72d Cong. 2d Sess. (See also 6 Cannon's Precedents §514.)

House immediately agreed to Mr. Hobbs' motion to lay the resolution on the table.⁽¹⁷⁾

On Feb. 6, 1974, Chairman Peter W. Rodino, Jr., of New Jersey, of the Committee on the Judiciary, called up as privileged House Resolution 803, authorizing that committee to investigate the sufficiency of grounds for impeachment of President Richard Nixon, various resolutions of impeachment having been referred to the committee. The House proceeded to its immediate consideration.⁽¹⁸⁾

Motion to Discharge Committee From Consideration of Impeachment Proposal

§ 8.3 A Member announced his filing of a motion to discharge the Committee on the Judiciary from further consideration of a resolution proposing impeachment of the President.

17. 84 CONG. REC. 3273, 76th Cong. 1st Sess.

18. 120 CONG. REC. 2349-63, 93d Cong. 2d Sess. For additional discussion as to high privilege for consideration of impeachment resolutions notwithstanding the normal application of House rules, and of other resolutions incidental to impeachment called up by the investigating committee, see § 7.4, *supra*.

On June 17, 1952,⁽¹⁹⁾ a Member made an announcement relating to impeachment charges against President Harry S. Truman:

MR. [PAUL W.] SHAFER [of Michigan]: Mr. Speaker, on April 28 of this year I introduced House Resolution 614, to impeach Harry S. Truman, President of the United States, of high crimes and misdemeanors in office. This resolution was referred to the Committee on the Judiciary, which committee has failed to take action thereon.

Thirty legislative days having now elapsed since introduction of this resolution, I today have placed on the Clerk's desk a petition to discharge the committee from further consideration of the resolution.

In my judgment, developments since I introduced the Resolution April 28 have immeasurably enlarged and strengthened the case for impeachment and have added new urgency for such action by this House.

First. Since the introduction of this resolution, the United States Supreme Court, by a 6-to-3 vote, has held that in his seizure of the steel mills Harry S. Truman, President of the United States, exceeded his authority and powers, violated the Constitution of the United States, and flouted the expressed will and intent of the Congress—and, in so finding, the Court gave unprecedented warnings against the threat to freedom and constitutional government implicit in his act.

Second. Despite the President's technical compliance with the finding of

the Court, prior to the Court decision he reasserted his claim to the powers then in question, and subsequent to that decision he has contemptuously called into question "the intention of the Court's majority" and contemptuously attributed the limits set on the President's powers not to Congress, or to the Court, or to the Constitution, but to "the Court's majority."

Third. The Court, in its finding in the steel case, emphasized not only the unconstitutionality of the Presidential seizure but also stressed his failure to utilize and exhaust existing and available legal resources for dealing with the situation, including the Taft-Hartley law.

Fourth. The President's failure and refusal to utilize and exhaust existing and available legal resources for dealing with the emergency has persisted since the Court decision and in spite of clear and unmistakable evidences of the will and intent of Congress given in response to his latest request for special legislation authorizing seizure or other special procedures.

The discharge petition did not gain the requisite number of signatures for its consideration by the House.

Amendment of Resolution and Articles

§ 8.4 A resolution with articles of impeachment, being considered in the House under a unanimous-consent agreement fixing control of debate, is not subject to amend-

19. 98 CONG. REC. 7424, 82d Cong. 2d Sess.

ment unless the agreement allows an amendment to be offered, or the Member in control offers an amendment or yields for amendment.

On Apr. 1, 1926, the House was considering a resolution impeaching Judge George English. Pursuant to a unanimous-consent agreement, the time for debate was being controlled by two Members. Following the ordering of the previous question on the resolution, Speaker Nicholas Longworth, of Ohio, answered a parliamentary inquiry propounded by Mr. Tom T. Connally, of Texas:

Under the rules of the House would not this resolution be subject to consideration under the five-minute rule for amendment?

THE SPEAKER: The Chair thinks not.⁽²⁰⁾

In the Harold Louderback impeachment proceedings in the House, the resolution reported by the Committee on the Judiciary recommended against impeachment, but the minority of the committee proposed a resolution impeaching Judge Louderback. The substitute impeaching the accused was offered and adopted by the House, pursuant to a unanimous-consent agreement which fixed control and time of debate, but

20. 67 CONG. REC. 6733, 69th Cong. 1st Sess.

specifically allowed the substitute resolution to be offered and voted upon.⁽¹⁾

In the Charles Swayne impeachment, Mr. Henry W. Palmer, of Pennsylvania, of the Committee on the Judiciary called up the resolution of impeachment and controlled the time thereon. Before moving the previous question, he offered an amendment to the resolution of impeachment, to add clarifying and technical changes. The amendment was agreed to.⁽²⁾

Debate on Impeachment Resolutions and Articles

§ 8.5 In debating articles of impeachment, a Member may refer to the political, social, and family background of the accused.

On Mar. 2, 1936,⁽³⁾ the House was debating articles of impeachment against Judge Halsted Ritter. Mr. Louis Ludlow, of Indiana, had the floor, and Speaker Joseph W. Byrns, of Tennessee, overruled

1. 76 CONG. REC. 4913, 4914, 72d Cong. 2d Sess., Feb. 24, 1933. For a complete analysis of the procedure followed for consideration of the Louderback impeachment, see §§ 17.1 et seq., *infra*.

2. 39 CONG. REC. 248, 58th Cong. 3d Sess., Dec. 13, 1904.

3. 80 CONG. REC. 3069, 74th Cong. 2d Sess.

a point of order based on the irrelevancy of his remarks. The proceedings were as follows:

MR. LUDLOW: . . . I feel there is imposed upon me today a duty and a responsibility to raise my voice in this case if for no other purpose than to present myself as a character witness—a duty which I could not conscientiously avoid and which I am very glad to perform. Judge Ritter was born in Indianapolis, Ind. He springs from a long and honored Hoosier ancestry, rooted in the pioneer life of our Commonwealth. There are no better people than those who comprised his ancestral train. People do not come any better anywhere on this globe. Rugged honesty, outspoken truthfulness, and high ideals are characteristics of his family. His father, Col. Eli F. Ritter, was a man of outstanding character and personality, one of the most public-spirited men I ever have known, a lawyer of distinction, ranking high in a bar of great brilliancy that included such stellar lights as Thomas A. Hendricks, Joseph E. McDonald, and Benjamin Harrison, an unofficial advocate of the people's cause in many a fight against vice and privilege, for whom even those who felt his steel had a wholesome respect because of his militant ardor on the side of right and civic virtue.

MR. [MALCOLM C.] TARVER [of Georgia]: Mr. Speaker, I rise to a point of order.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. TARVER: The gentleman is endeavoring to read into the Record a statement with regard to the progenitors of the gentleman against

whom these impeachment proceedings are pending. He is referring to something that should not affect the judgment of the House one way or the other, and, in my judgment, it is highly improper, and the gentleman should not be allowed to continue.

THE SPEAKER PRO TEMPORE: The chairman understands the gentleman is proceeding under the order of the House, which provided for two hours and a half on one side and 2 hours on the other. Of course, the Chair cannot dictate to the gentleman just how he shall proceed in his discussion of this resolution.

MR. TARVER: It is then the ruling of the Speaker that during the time for general debate Members may address themselves to whatever subject they desire.

THE SPEAKER: Members must address themselves to the resolution.

MR. LUDLOW: That is what I am trying to do, Mr. Speaker.

THE SPEAKER: The gentleman will proceed in order.

§ 8.6 During debate on a resolution of impeachment, the Speaker ruled that unparliamentary language, even if a recitation of testimony or evidence, could not be used in debate.

On Mar. 30, 1926, during debate on the resolution and articles of impeachment against Judge George English, Speaker Nicholas Longworth, of Ohio, delivered a ruling on the use of unparliamentary language in debate, and the House discussed his decision:

THE SPEAKER: The Chair desires to make a statement. The Chair has been in doubt on one or two occasions this afternoon whether he should permit the use of certain language even by way of quotation. The Chair at the time realized, of course, that the members of the majority of the committee might think the use of this language would be material in describing an individual. The Chair hopes that it will not be used further during this debate and suggests also that those words be stricken from the Record. [Applause.]

MR. [JOHN N.] TILLMAN [of Arkansas]: I think the Speaker will remember I stated when I put the speech in the Record that I intended to strike out those words.

THE SPEAKER: There were other occasions besides that to which the gentleman refers.

MR. [EDWARD J.] KING [of Illinois]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. KING: Will the language also be stricken out of the evidence in the case and in the report of the committee?

THE SPEAKER: The Chair does not think that has anything to do with the use of language on the floor of the House.

MR. [TOM T.] CONNALLY of Texas: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. CONNALLY of Texas: Without taking any exception to the Chair's views as to striking from the printed Record what has already happened, it seems to me the Chair ought to make clear his ruling so that we may know as to how far it shall be regarded as a

precedent in the future. The House, as I understand it, at the present moment is proceeding as an inquisitorial body, somewhat as a grand jury, as in a semijudicial proceeding; and if we have unpleasant matters in court, the court can not avoid its duty because they are unpleasant, and if it becomes necessary in this Chamber for Members to properly present this case or to quote the testimony in the record to use unpleasant and offensive language to establish the truth, I think the House ought to hear it. It is neither wise nor safe to censor the evidence. We must hear it, good or bad, because it is the evidence. If it is suppressed or colored, it is no longer the true evidence in the case. I sympathize with the Chair's position, and I know he is prompted by the best motives, by a sense of delicacy and consideration for the galleries. I think it is well for the House and Chair now to understand that the ruling of the Chair ought not to be regarded as a precedent in the future which might operate to exclude competent evidence, because when we are dealing with a matter of this kind, serious and important as it is, we want to know the truth, whatever it may be, and those who come here to hear these proceedings of course do so at their own risk. [Laughter.]

THE SPEAKER: The Chair thinks his ruling ought to be regarded as a precedent as far as these proceedings in the House are concerned. If the Chair should be officially advised that the use of this language is actually necessary, he might order the galleries cleared.

MR. [FIORELLO H.] LAGUARDIA [of New York]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. LAGUARDIA: The Chair's ruling, as I understand it, is that under the rules of the House language that is not parliamentary should not be used; but that does not prevent the consideration of whether or not a particular judge whose case we are trying used the language or not?

THE SPEAKER: Not at all. It is simply the use of certain language on the floor of the House.

MR. [CHARLES R.] CRISP [of Georgia]: Mr. Speaker, I want to enter my approval of the course the Speaker has taken. Members of this House, if they desire to know what the language is, can read the record, and I thoroughly endorse the course the Speaker pursued.

§ 8.7 During debate in the House objection was made to extensions of remarks in the Congressional Record in order that an accurate record of impeachment proceedings be preserved.

In April 1926,⁽⁴⁾ the House was considering a resolution impeaching Judge George English. When a Member asked unanimous consent to revise and extend his remarks in the Record, Mr. C. William Ramseyer, of Iowa, objected stating that his object was to "have the Record, preceding the vote, show exactly what tran-

spired and what was said." He indicated that no objection would be made to the extension of remarks after the vote had occurred on the resolution of impeachment.⁽⁵⁾

Motion for Previous Question

§ 8.8 The motion for the previous question is applicable to a resolution of impeachment.

On Dec. 13, 1904, the House was considering a resolution impeaching Judge Charles Swayne of high crimes and misdemeanors. The manager of the resolution, Mr. Henry W. Palmer, of Pennsylvania, moved the previous question on the resolution at the conclusion of debate thereon. Mr. Richard Wayne Parker, of New Jersey, made a point of order against the offering of the motion, on the ground that the previous question should not be directly ordered upon a question of high privilege such as impeachment. Speaker Joseph G. Cannon, of Illinois, ruled that under the precedents the previous question was in order.⁽⁶⁾

Motion to Recommit

§ 8.9 After the previous question has been ordered on a

4. 67 CONG. REC. 6602, 69th Cong. 1st Sess.

5. *Id.* at p. 6717.

6. 39 CONG. REC. 248, 58th Cong. 3d Sess.

resolution of impeachment, a motion to recommit, with or without instructions, is in order, but is not debatable.

On Apr. 1, 1926, the House was considering House Resolution 195, impeaching Judge George English, United States District Judge for the Eastern District of Illinois. After the previous question was ordered, a motion was offered to recommit the resolution with instructions. The instructions directed the Committee on the Judiciary to take the testimony of certain persons and authorized the committee to send for persons and papers, administer oaths, and report at any time.

The motion was rejected on a yea and nay vote.⁽⁷⁾

Parliamentarian's Note: A motion to recommit, with or without instructions, on a resolution of impeachment, is not debatable. Rule XVI clause 4, *House Rules and Manual* §782 (1973), amended in the 92d Congress to allow debate on certain motions to recommit with instructions, does not apply to simple resolutions but only to bills or joint resolutions.⁽⁸⁾

Division of the Question

§ 8.10 A separate vote may be demanded on any sub-

stantive proposition contained in a resolution of impeachment, when the question recurs on the resolution.

On Mar. 30, 1926, the House was considering a resolution and articles of impeachment against Judge George English. Mr. Charles R. Crisp, of Georgia, inquired whether, under Rule XVI clause 6, a separate vote could be demanded on any substantive proposition contained in the resolution of impeachment. Speaker Nicholas Longworth, of Ohio, responded in the affirmative.⁽⁹⁾

When the vote recurred on the resolution of impeachment, on Apr. 1, 1926, a separate vote was demanded on Article I. The House rejected the motion to strike the article.⁽¹⁰⁾

Parliamentarian's Note: A division of the question may be demanded at any time before the question is put on the resolution. During the Judge English proceedings, the Speaker put the question on the resolution and announced that it was adopted. A Member objected that he had meant to ask for a separate vote and the Speaker allowed such a

7. 67 CONG. REC. 6734, 69th Cong. 1st Sess.

8. See Ch. 23, *infra*, for the motion to recommit and debate thereon.

9. 67 CONG. REC. 6589, 6590, 69th Cong. 1st Sess. See *House Rules and Manual* §791 (1973).

10. 67 CONG. REC. 6734, 69th Cong. 1st Sess.

demand (thereby vacating the proceedings by unanimous consent) because of confusion in the Chamber, although he stated that the demand was untimely.⁽¹¹⁾

Broadcasting House Proceedings

§ 8.11 The House adopted a resolution in the 93d Congress authorizing television, radio, and photographic coverage of projected House consideration of a resolution impeaching President Richard Nixon, thereby waiving rulings of the Speaker prohibiting such coverage of House proceedings.

On Aug. 7, 1974,⁽¹²⁾ Mr. Ray J. Madden, of Indiana, called up by direction of the Committee on Rules House Resolution 802, with committee amendments, for the broadcasting of House proceedings on the impeachment of President Nixon, the Committee on the Judiciary having decided on July 27, 29, and 30 to report to the House recommending the President's impeachment. The House agreed to the resolution as amended by the committee amendments:

That, notwithstanding any rule, ruling, or custom to the contrary, the pro-

ceedings in the Chamber of the House of Representatives relating to the resolution reported from the Committee on the Judiciary, recommending the impeachment of Richard M. Nixon, President of the United States, may be broadcast by radio and television and may be open to photographic coverage, subject to the provisions of section 2 of this resolution.

Sec. 2. A special committee of four members, composed of the majority and minority leaders of the House, and the majority and minority whips of the House, is hereby authorized to arrange for the coverage made in order by this resolution and to establish such regulations as they may deem necessary and appropriate with respect to such broadcast or photographic coverage: *Provided, however,* That any such arrangements or regulations shall be subject to the final approval of the Speaker; and if the special committee or the Speaker shall determine that the actual coverage is not in conformity with such arrangements and regulations, the Speaker is authorized and directed to terminate or limit such coverage in such manner as may protect the interests of the House of Representatives.

The House briefly debated the resolution before adopting it, and discussed suitable restrictions on broadcast coverage as well as the broadcasting of the Committee on the Judiciary meetings on the resolution and articles of impeachment pursuant to House Resolution 1107, adopted on July 18, 1974.⁽¹³⁾

11. *Id.* at pp. 6734, 6735.

12. 120 CONG. REC. 27266-69, 93d Cong. 2d Sess.

13. See § 7.3, *Supra*, for the adoption of H. Res. 1107, amending the rules of the House.

Parliamentarian's Note: The Speaker of the House has consistently ruled that coverage of House proceedings, either by radio, television or still photography, was prohibited under the rules and precedents of the House. See for example, the statements of Speaker Sam Rayburn, of Texas, on Feb. 25, 1952, and on Jan. 24, 1955.⁽¹⁴⁾

§ 9. Presentation to Senate; Managers

Following the adoption of a resolution and articles of impeachment, the House proceeds to the adoption of privileged resolutions (1) appointing managers to conduct the trial on the part of the House and directing them to present the articles to the Senate; (2) notifying the Senate of the adoption of articles and appointment of managers; and (3) granting the managers necessary powers and funds.⁽¹⁵⁾

The managers have jurisdiction over the answer of the respondent

14. 98 CONG. REC. 1334, 1335, 82d Cong. 2d Sess.; 101 CONG. REC. 628, 629, 84th Cong. 1st Sess.

15. See § 9.1, *infra*.

In former Congresses, managers were elected by ballot or appointed by the Speaker pursuant to an authorizing resolution (see § 9.3, *infra*).

to the articles impeaching him, and may prepare the replication of the House to the respondent's answer. The replication has not in the last two impeachment cases been submitted to the House for approval.⁽¹⁶⁾

In the Harold Louderback proceedings, where the accused was impeached in one Congress and tried in the next, the issue arose as to the authority of the managers beyond the expiration of the Congress in which elected. In that case, the resolution authorizing the managers powers and funds was not offered and adopted until the succeeding Congress.⁽¹⁷⁾

Forms

Form of resolution appointing managers to conduct an impeachment trial:⁽¹⁸⁾

HOUSE RESOLUTION 439

Resolved, That Hatton W. Sumners, Randolph Perkins, and Sam Hobbs, Members of this House, be, and they are hereby, appointed managers to conduct the impeachment against Halsted L. Ritter, United States district judge for the southern district of Florida; that said managers are hereby instructed to appear before the Senate of the United States and at the bar thereof in the name of the House of Rep-

16. See § 10, *infra*.

17. See § 4.2, *supra*.

18. 80 CONG. REC. 3393, 74th Cong. 2d Sess., Mar. 6, 1936.